

1. PURPOSE.

THIS MESSAGE PROVIDES GUIDANCE ON THE USE OF DEADLY FORCE BY MILITARY SEALIFT COMMAND PERSONNEL (INCLUDING MILITARY PERSONNEL, GOVERNMENT-EMPLOYED CIVIL SERVICE MARINERS (CIVMARS), CIVILIAN CONTRACT MARINERS, CONTRACT SECURITY PERSONNEL EMBARKED ON MSC VESSELS, AND CONTRACT SECURITY PERSONNEL SERVING EXCLUSIVELY OFF-SHIP, E.G., ON PIERS OR PICKET BOATS). THIS GUIDANCE APPLIES ONLY TO MSC VESSELS THAT HAVE GOVERNMENT-FURNISHED ARMS AND AMMUNITION FOR SELF-DEFENSE. THIS MESSAGE CONSTITUTES CHANGE TWO TO REF B AND REPLACES THE "DEADLY FORCE" SECTION OF REF B (ENCL (1) BEGINNING AT PARAGRAPH 4.E AND CONTINUING THROUGH TO THE END OF ENCL (1)).

2. BACKGROUND.

A. REF A IS THE GOVERNING REFERENCE FOR UODF BY DOD MILITARY AND CIVILIAN PERSONNEL PERFORMING LAW ENFORCEMENT AND SECURITY DUTIES. REF A AUTHORIZES UODF WHEN NECESSARY FOR FOLLOWING PURPOSES (NOT ALL OF WHICH ARE APPLICABLE TO MSC PERSONNEL, SPECIFIC RULES FOR MSC PERSONNEL ARE IN PARAGRAPH 3):

(1) SELF-DEFENSE AND DEFENSE OF OTHERS.

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(2) PREVENT THE THEFT OR SABOTAGE OF ASSETS SPECIFICALLY DESIGNATED AS VITAL TO NATIONAL SECURITY (E.G., NUCLEAR WEAPONS).

(3) PREVENT THE THEFT OR SABOTAGE OF ASSETS, SUCH AS OPERABLE WEAPONS OR AMMUNITION, WHICH ARE INHERENTLY DANGEROUS TO OTHERS.

(4) PREVENT SERIOUS OFFENSES AGAINST PERSONS THAT INVOLVE AN IMMINENT DANGER OF DEATH OR SERIOUS BODILY HARM (E.G. MURDER, ARMED ROBBERY, AND AGGRAVATED ASSAULT).

(5) PROTECT PUBLIC HEALTH AND SAFETY TO PREVENT DESTRUCTION OF PUBLIC UTILITIES OR SIMILAR CRITICAL INFRASTRUCTURE VITAL TO PUBLIC HEALTH OR SAFETY, THE DAMAGE TO WHICH, WOULD CREATE AN IMMINENT DANGER OF DEATH OR SERIOUS BODILY HARM.

(6) WHEN NECESSARY TO ARREST OR APPREHEND A PERSON WHO, THERE IS PROBABLE CAUSE TO BELIEVE, HAS COMMITTED ONE OF THE OFFENSES (ITEMS 2-5) ABOVE.

(7) PREVENT THE ESCAPE OF A PRISONER IN CERTAIN CASES.

B. DEFINITIONS:

(1) DEADLY FORCE. FORCE THAT A PERSON USES CAUSING, OR THAT A PERSON KNOWS OR SHOULD KNOW WOULD CREATE A SUBSTANTIAL RISK OF CAUSING, DEATH OR SERIOUS BODILY HARM. PAGE 05 RUEOMFB2200 UNCLAS

(2) SERIOUS BODILY HARM. DOES NOT INCLUDE MINOR INJURIES, SUCH AS A BLACK EYE OR A BLOODY NOSE, BUT DOES INCLUDE FRACTURED OR DISLOCATED BONES, DEEP CUTS, TORN MEMBERS OF THE BODY, SERIOUS DAMAGE TO THE INTERNAL ORGANS, AND OTHER LIFE-THREATENING INJURIES.

(3) IMMINENT. THE DETERMINATION OF WHETHER A PARTICULAR THREAT OR DANGER IS "IMMINENT" IS BASED ON AN ASSESSMENT OF ALL THE CIRCUMSTANCES KNOWN AT THE TIME. "IMMINENT" DOES NOT NECESSARILY MEAN "IMMEDIATE" OR "INSTANTANEOUS."

(4) ARMED. MSC PERSONNEL EQUIPPED WITH A LOADED FIREARM.

3. POLICY.

A. MSC PERSONNEL IN CUSTODY OF "DESIGNATED ASSETS INVOLVING NATIONAL SECURITY" OR "ASSETS INHERENTLY DANGEROUS TO OTHERS" WILL HAVE UODF AUTHORIZATION TO PROTECT THOSE ASSETS, WHEN LEGALLY PERMISSIBLE.

B. CIVMARS, CIVILIAN CONTRACT MARINERS, AND ANY CIVILIAN CONTRACT SECURITY PERSONNEL WHO ARE EMBARKED ON MSC VESSELS (I.E., ASSIGNED TO MSC VESSELS FOR SHIPBOARD SERVICE) MAY NOT CARRY ARMS BEYOND THE LIFELINES OF THE SHIP AND CANNOT PERFORM SECURITY/FORCE PROTECTION DUTIES OFF THE SHIP, SUCH AS ARMED OR UNARMED PIER SENTRY DUTY, PAGE 06 RUEOMFB2200 UNCLAS ARMED OR UNARMED PICKET BOAT OPERATIONS, OR ESCORT DUTY. THESE CIVILIAN PERSONNEL MAY HAVE NO LEGAL PROTECTION FROM THE EXERCISE OF FOREIGN JURISDICTION IF THEY ENGAGE IN SUCH ACTIVITIES OFF THE SHIP, ESPECIALLY IF THEY USE FORCE DURING AN INCIDENT. IT IS UNDERSTOOD THAT THESE PERSONNEL MAY BE REQUIRED TO SHOOT FROM THE SHIP AT AN ATTACKER WHO IS BEYOND THE LIFELINES OF THE SHIP.

C. THE RULES OF ENGAGEMENT APPLY TO MSC MILITARY PERSONNEL DURING MILITARY ATTACKS AGAINST THE UNITED STATES AND DURING ALL MILITARY OPERATIONS, CONTINGENCIES, AND TERRORIST ATTACKS OUTSIDE THE TERRITORIAL JURISDICTION OF THE UNITED STATES. THE TERRITORIAL JURISDICTION OF THE UNITED STATES INCLUDES THE 50 STATES, THE COMMONWEALTHS OF PUERTO RICO AND NORTHERN MARIANAS, U.S. POSSESSIONS, AND U.S. TERRITORIES. APPLICABLE MILITARY RULES OF ENGAGEMENT ARE ISSUED BY THE CJCS AND SOMETIMES FURTHER REFINED BY THE COMBATANT COMMANDER. MSC MILITARY DETACHMENTS SHOULD COORDINATE WITH THE MSC AREA COMMANDER TO ENSURE THEY HAVE UP TO DATE ROE. DURING PEACETIME OPERATIONS WITHIN THE TERRITORIAL JURISDICTION OF THE UNITED STATES, MSC MILITARY PERSONNEL SHOULD COMPLY WITH THE

UODF GUIDANCE APPLICABLE TO MSC CIVIL SERVICE MARINERS, WHICH IS CONTAINED IN THIS MESSAGE. IN THE EVENT OF A CONFLICT BETWEEN THE PAGE 07 RUEOMFB2200 UNCLAS MILITARY RULES OF ENGAGEMENT AND THE GUIDANCE IN THIS MESSAGE, MILITARY PERSONNEL SHOULD COMPLY WITH THE MILITARY RULES OF ENGAGEMENT.

D. REF A ALLOWS DOD COMPONENTS OR THEIR DESIGNEES TO FURTHER RESTRICT UODF POLICY IF DEEMED NECESSARY IF SUCH RESTRICTIONS WOULD NOT UNDULY COMPROMISE NATIONAL SECURITY INTERESTS. ACCORDINGLY, SINCE ITEMS NUMBERED FOUR THROUGH SEVEN IN PARAGRAPH 2.A. ABOVE ARE PRIMARILY FOR PURPOSES OF LAW ENFORCEMENT, THEY DO NOT APPLY TO ANY MSC PERSONNEL. MSC PERSONNEL MAY USE DEADLY FORCE ONLY AS SPECIFIED BELOW (READ IN FOUR COLUMNS):UODF PURPOSE(NOTE 1)

	MILITARY	CIVMARS	CONTRACT MARINERS & CONTRACT SECURITY
TO PROTECT SELF & OTHERS (NOTES 1&2)	Yes	Yes	Yes
TO PROTECT DESIGNATED PAGE 03 RUEOMFB2201 UNCLAS ASSETS INVOLVING (NOTES 1&5) NATIONAL SECURITY (NOTES 1&3)	Yes	Yes	Conditional
TO PROTECT ASSETS INHERENTLY DANGEROUS CONDITIONAL (NOTES 1&5) TO OTHERS (NOTES 1&4)	Yes	Yes	No

NOTE 1: IN ALL CIRCUMSTANCES, DEADLY FORCE IS JUSTIFIED ONLY UNDER CONDITIONS OF EXTREME NECESSITY AND WHEN:

- LESSER MEANS HAVE BEEN EXHAUSTED, ARE UNAVAILABLE, OR CANNOT BE REASONABLY EMPLOYED.
- THE RISK OF DEATH OR SERIOUS BODILY HARM TO INNOCENT PERSONS IS NOT SIGNIFICANTLY INCREASED BY USE. ACCORDINGLY, FOR EXAMPLE, THE MASTER MAY DESIGNATE CERTAIN AREAS AS NO FIRE-ZONES TO HELP PREVENT THE IGNITION OF EXPLOSIVE CARGO OR FUEL VAPORS.

NOTE 2: UODF MUST REASONABLY APPEAR TO BE NECESSARY AGAINST A HOSTILE PAGE 04 RUEOMFB2201 UNCLAS PERSON TO PROTECT SELF OR OTHERS. MSC PERSONNEL USING DEADLY FORCE MUST REASONABLY

BELIEVE THEMSELVES OR OTHERS TO BE IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY HARM BY THE HOSTILE PERSON.

NOTE 3: UODF MUST REASONABLY APPEAR TO BE NECESSARY TO PREVENT THE ACTUAL THEFT OR SABOTAGE OF ASSETS THAT HAVE BEEN SPECIFICALLY DESIGNATED AS VITAL TO NATIONAL SECURITY. DOD ASSETS SHALL BE SPECIFICALLY DESIGNATED AS "VITAL TO NATIONAL SECURITY" ONLY WHEN THEIR LOSS, DAMAGE, OR COMPROMISE WOULD SERIOUSLY JEOPARDIZE THE FULFILLMENT OF A NATIONAL DEFENSE MISSION. EXAMPLES INCLUDE NUCLEAR WEAPONS; NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS FACILITIES; AND DESIGNATED RESTRICTED AREAS CONTAINING STRATEGIC OPERATIONAL ASSETS, SENSITIVE CODES, OR SPECIAL ACCESS PROGRAMS. THE MASTER SHALL BE NOTIFIED WHEN AN ASSET HAS BEEN SO DESIGNATED AND DEADLY FORCE IS AUTHORIZED TO PREVENT ITS THEFT OR DESTRUCTION.

NOTE 4: UODF MUST REASONABLY APPEAR TO BE NECESSARY TO PREVENT THE ACTUAL THEFT OR SABOTAGE OF RESOURCES, SUCH AS OPERABLE WEAPONS OR AMMUNITION, THAT ARE INHERENTLY DANGEROUS TO OTHERS; I.E., ASSETS THAT, IN THE HANDS OF AN UNAUTHORIZED INDIVIDUAL, PRESENT A PAGE 05 RUEOMFB2201 UNCLAS SUBSTANTIAL POTENTIAL DANGER OF DEATH OR SERIOUS BODILY HARM TO OTHERS. EXAMPLES INCLUDE HIGH-RISK PORTABLE AND LETHAL MISSILES, ROCKETS, ARMS, AMMUNITION, EXPLOSIVES, CHEMICAL AGENTS, AND SPECIAL NUCLEAR MATERIAL.

NOTE 5: UODF TO PREVENT THEFT OR SABOTAGE OF ASSETS DESIGNATED VITAL TO NATIONAL SECURITY OR INHERENTLY DANGEROUS TO OTHERS IS ALLOWED ON THE HIGH SEAS. UODF BY CONTRACTORS FOR THESE PURPOSES, OTHER THAN ON THE HIGH SEAS, MUST BE CONSISTENT WITH LOCAL LAW. DEADLY FORCE SHOULD NOT BE USED FOR THESE PURPOSES WHEN LOCAL LAW IS UNKNOWN OR UNCLEAR TO CONTRACTORS.

E. CONTRACT GUIDANCE FOR CONTRACTOR SECURITY FORCES. CONTRACTED SECURITY IS NOT A SUBSTITUTE FOR MILITARY SECURITY FORCES. CIRCUMSTANCES WHERE CONTRACTED SECURITY MAY BE APPROPRIATE INCLUDE, BUT ARE NOT LIMITED TO, OCCASIONS WHEN MILITARY SECURITY IS NOT AVAILABLE OR NOT PERMITTED BY THE HOST NATION. REF A REQUIRES ESTABLISHING CRITERIA FOR COMPLIANCE WITH ITS PROVISIONS BY CONTRACT SECURITY FORCES. ACCORDINGLY, ALL MSC CONTRACTS OR SUBCONTRACTS FOR THE PROVISION OF SECURITY SERVICES PERFORMED ON MSC VESSELS BY PAGE 06 RUEOMFB2201 UNCLAS EMBARKED SECURITY CONTRACTORS OR OFF MSC VESSELS BY SHORE-BASED SECURITY CONTRACTORS (SERVING ON PICKET BOATS, PIER SECURITY, ETC.) SHALL ENSURE THE CONTRACT STATEMENT OF WORK (SOW) CONTAIN THE FOLLOWING:

(QUOTE) IN PERFORMANCE OF THIS CONTRACT, THE CONTRACTOR SHALL, AT ALL TIMES, COMPLY WITH DOD DIRECTIVE 5210.56, MSC INSTRUCTION 5530.3 SERIES, AND APPLICABLE LOCAL LAW AND

REGULATIONS REGARDING THE USE OF FORCE, INCLUDING DEADLY FORCE. THE CONTRACTOR SHALL FURTHER COMPLY WITH ANY SPECIFIC GUIDANCE SET FORTH IN THIS CONTRACT THAT IS PROVIDED BY THE COGNIZANT U.S. MILITARY AUTHORITY. IN CASE OF CONFLICT BETWEEN APPLICABLE LOCAL LAW/REGULATIONS AND THE SPECIFIC U.S. MILITARY GUIDANCE, THE MORE RESTRICTIVE PROVISIONS SHALL GOVERN. IN NO EVENT IS THE CONTRACTOR AUTHORIZED TO USE MORE FORCE THAN IS PERMITTED EITHER BY APPLICABLE LOCAL LAW AND REGULATIONS, DOD DIRECTIVE 5210.56, MSC INSTRUCTION 5530.3 SERIES, OR ANY SPECIFIC U.S. MILITARY GUIDANCE SET FORTH IN THIS CONTRACT. UNDER THIS CONTRACT, THE CONTRACTOR HAS THE SOLE OBLIGATION TO ASCERTAIN AND CONFIRM ALL APPLICABLE LOCAL LAWS AND REGULATIONS WITH RESPECT TO THE POSSESSION OF ARMS AND WEAPONS AND THE USE OF FORCE, AND HAS PAGE 07 RUEOMFB2201 UNCLAS THE SOLE OBLIGATION TO COMPLY WITH THOSE LOCAL LAWS AND REGULATIONS. NOTWITHSTANDING THE ABOVE REQUIREMENTS, IT IS UNDERSTOOD THAT CIVILIAN CONTRACT SECURITY PERSONNEL WHO ARE EMBARKED ON MSC VESSELS (I.E., ASSIGNED TO MSC VESSELS FOR SHIPBOARD SERVICE) HAVE A PRIMARY DUTY OF DEFENDING THE VESSEL'S CREW FROM ATTACK (AND INDIRECTLY THE VESSEL ITSELF IN MANY CASES, AS SOME ATTACKS ON THE VESSEL MAY THREATEN THE LIVES OF THE CREW). CONSEQUENTLY, CIVILIAN CONTRACT SECURITY PERSONNEL WHO ARE EMBARKED ON MSC VESSELS (I.E., ASSIGNED TO MSC VESSELS FOR SHIPBOARD SERVICE) ARE AUTHORIZED TO BEAR ARMS WHEN AUTHORIZED BY THE SHIP'S MASTER AND TO USE NECESSARY DEADLY FORCE IN SELF DEFENSE AND THE DEFENSE OF OTHERS IN ACCORDANCE WITH MSC INSTRUCTION 5530.3 SERIES. (ENDQUOTE)

F. ADDITIONAL REQUIREMENTS FOR THE USE OF FIREARMS
(REPEATED FROM REF A):

- (1) WARNING SHOTS ARE PROHIBITED.
- (2) WHEN A FIREARM IS DISCHARGED, IT WILL BE FIRED WITH THE INTENT OF RENDERING THE PERSON(S) AT WHOM IT IS DISCHARGED INCAPABLE OF CONTINUING THE ACTIVITY OR COURSE OF BEHAVIOR PROMPTING THE PAGE 03 RUEOMFB2202 UNCLAS INDIVIDUAL TO SHOOT.
- (3) SHOTS SHALL BE FIRED ONLY WITH DUE REGARD FOR THE SAFETY OF INNOCENT BYSTANDERS.
- (4) IN THE CASE OF HOLSTERED WEAPONS, A WEAPON SHOULD NOT BE REMOVED FROM THE HOLSTER UNLESS THERE IS REASONABLE EXPECTATION THAT USE OF THE WEAPON MAY BE NECESSARY.

G. THE USE OF DEADLY FORCE REQUIRES THE UTMOST CARE, PROPER TRAINING, AND COMPLIANCE WITH REF A AND ANY APPLICABLE

LAW. EXCEPT IN SITUATIONS REQUIRING IMMEDIATE ACTION TO PROTECT LIFE, MSC PERSONNEL MAY BE ARMED ONLY IF THEY HAVE BEEN GIVEN REQUIRED TRAINING AND WRITTEN AUTHORIZATION SIGNED BY AN AUTHORIZING OFFICIAL. THIS AUTHORIZING OFFICIAL WILL BE EITHER THE MASTER, THE MARITIME PREPOSITIONING SQUADRON COMMANDER/AFLOAT PREPOSITIONING SQUADRON COMMANDER, THE MSC AREA COMMANDER, OR AN INDIVIDUAL DESIGNATED IN WRITING BY THEM. TRAINING AND DOCUMENTATION DETAILS:

(1) BEFORE BEING AUTHORIZED TO CARRY FIREARMS, MSC PERSONNEL MUST RECEIVE INITIAL AND ANNUAL FIREARMS SAFETY INSTRUCTION, WEAPONS QUALIFICATION, SUSTAINMENT TRAINING AND INSTRUCTION REGARDING THE PAGE 04 RUEOMFB2202 UNCLAS UODF REQUIRED BY REFS D AND E.

(2) UODF TRAINING IS ACCOMPLISHED AT THE FOLLOWING MSC COURSES: SMALL ARMS, ANTITERRORISM OFFICER (ATO) LEVEL II, AND SHIPBOARD SECURITY TACTICS (SST) TRAINING. UODF TRAINING CAN ALSO BE ACCOMPLISHED BY THE SHIP'S ATO.

(3) PROPER DOCUMENTATION OF USE OF DEADLY FORCE TRAINING SHALL BE MAINTAINED AT THE TRAINING LOCATION FOR TWO YEARS. WITHIN 30 DAYS, COMSC N1 WILL PROMULGATE AN UPDATED TRAINING DOCUMENTATION FORM CONTAINING THIS UODF POLICY AND SPECIFIC TRAINING INFORMATION (DATE, INSTRUCTOR'S NAME, STUDENT'S FULL NAME & SSN, AND STUDENT'S SIGNATURE).

(4) LOCAL TRAINING MATERIALS MUST BE REVIEWED AND UPDATED WHERE NECESSARY TO ENSURE CONSISTENCY WITH THE POLICY HEREIN. FOR EXAMPLE, COPIES OF THE VIDEOTAPE TITLED "MSC USE OF DEADLY FORCE TIME 14:38" ARE OUTDATED AND SHOULD NO LONGER BE USED.

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